

Public Informational Hearing

Franda Mine LLC, Nonmetallic Mining
Reclamation Permit
November 2, 2020
4:00 P.M.

The proposed reclamation plan for this site is available online at:

<https://www.co.door.wi.gov/188/Soil-and-Water-Conservation>

Door County Soil & Water Conservation Department

Door County Code Chapter 36

Nonmetallic Mining Reclamation

Adopted by the Door County Board of Supervisors May 22, 2007

- Statutory Authority. This chapter is adopted under authority of Section 295.13(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code and Section 59.51, Wisconsin Statutes.
- The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the County of Door.

Definition Of Nonmetallic Mining

“Nonmetallic mining” means:

- Operations or activities at a site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator,
- Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging,
- Processing activities include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

Definition Of Nonmetallic Mining Reclamation

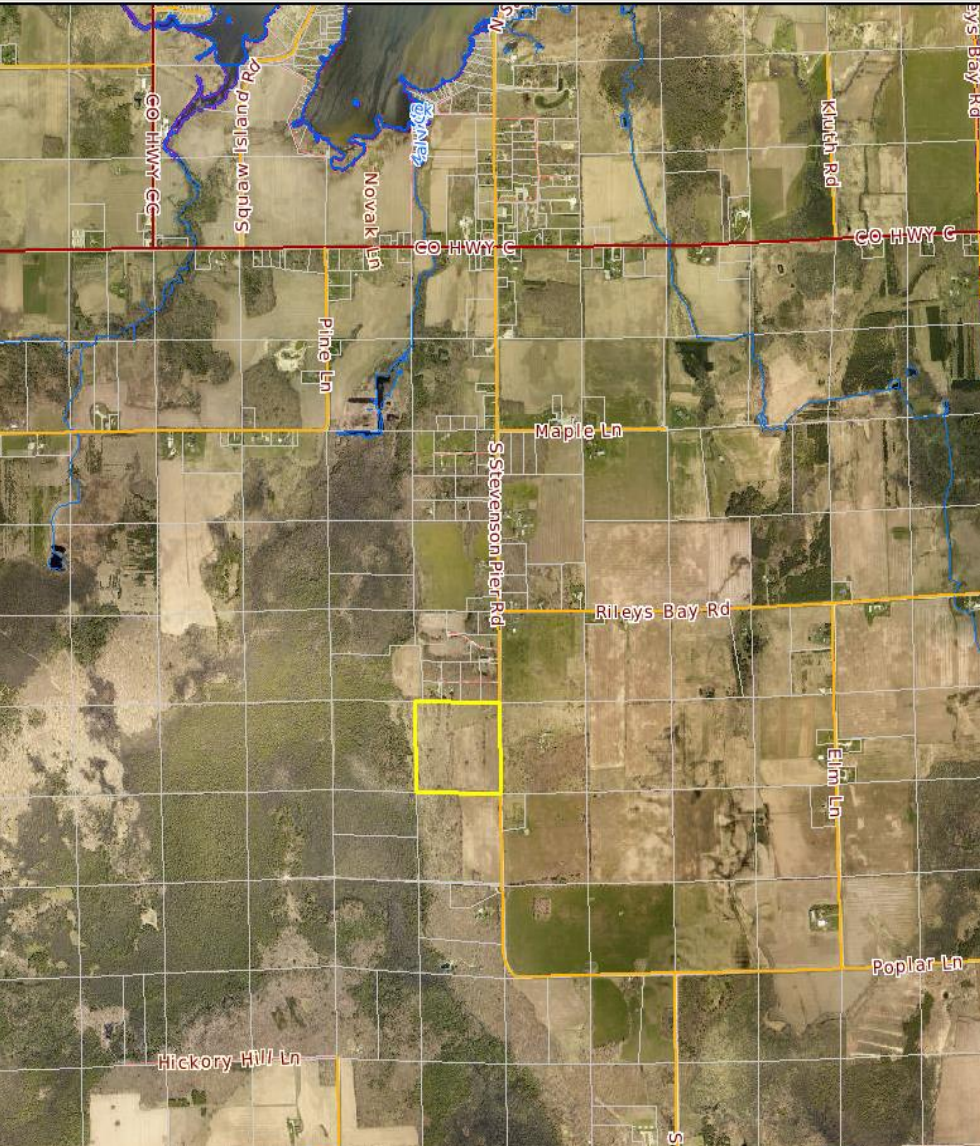
“Nonmetallic mining reclamation” or “reclamation” means:

- The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan.
- Removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions and reestablishment of vegetative cover.
- Control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

Site Location

Forty Acre Parcel located on S Stevenson Pier rd.

Approximately 1 ¼ miles south of Cty Hwy C

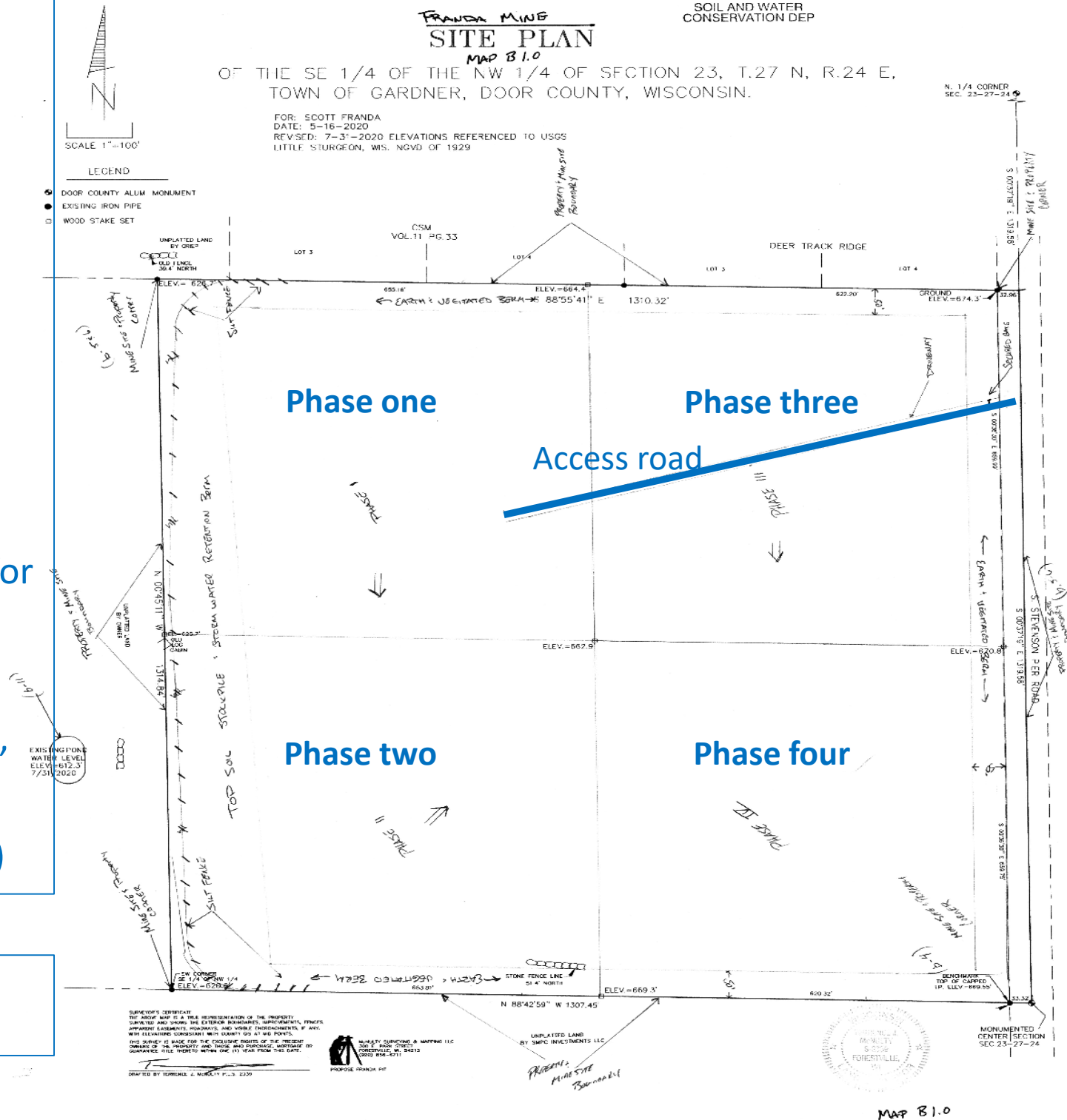


Franda Mine LLC Site/Schedule

- Forty Acre Mine Site Property Boundary
- Four phases each approximately 10 acres
- Excavations start 50 feet from adjacent property line and road Right of Way
- Vegetated berms of stockpiled soils around excavation extents
- Current elevations range from 623' to 675'
- Mining Dolomite bedrock for aggregate, shoreline protection, & misc. construction
- Final excavation depth 634'
- Pond Elevation on adjacent parcel to the West ~612.3'
Surveyed on 7/31/2020

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All blue text is by the SWCD for illustrative purposes.



Franda Mine LLC Final Reclamation

- Side slopes 3:1 (North, South & East)
- 8" subsoil & 4" topsoil over entire site (from stockpiled berms)
- Final grade of reclaimed floor at 635' to match at existing grades to the East
- Vegetation consisting of native grasses and or trees. Agricultural plantings also acceptable.
- Designated post mining for wildlife habitat, prairie and or agricultural land.

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MAP 31.1

Public Notice NR 135.20 (1)

- A regulatory authority shall publish a public notice of the application no later than 30 days after receipt of a complete application or request.
- The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice.
- The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.
- The notice shall be forwarded by the regulatory authority to the county or applicable municipal zoning board, and owners of land within 300 feet (1000 feet Door County) of the boundaries of the parcel or parcels of land on which the site is located.

Public Informational Hearing

NR 135.20 (2)

- A county or municipal regulatory authority shall provide for opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:
- If there is no opportunity for a zoning-related hearing on the nonmetallic mine site, any person residing within, owning property within, or whose principal place of business is within 300 feet (1000 feet Door County) of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing.
- The regulatory authority shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice.
- The public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested.
- The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation.
- The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

Reclamation Permit Issuance

NR 135.21 (1) & (2)

- Unless denied, the regulatory authority shall approve in writing, a nonmetallic mining reclamation permit for a proposed nonmetallic mine.
- The regulatory authority may issue a reclamation permit subject to conditions if appropriate. The permit decision shall be made no sooner than 30 nor later than 90 days following receipt of the complete reclamation permit application.
- If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to appropriate conditions, or shall deny the permit, no later than 60 days after completing the public hearing.
- The approval may not include conditions that are not related to reclamation. Required conditions of the issued permit shall be that the new mine obtain financial assurance Storm Water coverage prior to conducting mining activities.
- It is not appropriate for the regulatory authority to impose conditions that address matters not directly related to nonmetallic mining reclamation. Including but not limited to: traffic, setbacks, blasting, dewatering, hours of operation, noise or dust control or the question of whether to use the land for mining.

Timeline

- Revised permit application received September 14, 2020
- Permit review completed September 17, 2020
- 30 days for the SWCD to post Class I Notice – Posted September 23, 2020
- 30 days for property owners within 1000' to request a public informational hearing
- Written request received – September 28, 2020
- 30-60 days for the SWCD to schedule public informational hearing
- **Public Informational Hearing date – November 2, 2020**
- 60 days for the SWCD to make a permit decision
- NR 135.30 (1) COUNTY PERMIT DECISION. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., **any person who meets the requirements of s. 227.42 (1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on a county regulatory authority's decision to issue, deny or modify a nonmetallic mining reclamation permit. (Contested case hearing must be requested within 30 days of notice to such person of the determination.)**

Public Comment

Comment from Affected Persons on the Nature, Feasibility and Effects of the Proposed Reclamation Plan.

- a) All persons wishing to comment will be limited to five (5) minutes.
- b) A spokesperson representing a special interest group will be allowed ten (10) minutes.
- c) A person may not yield or reserve the balance of their unused time.
- d) A person wishing to supplement their original comment with new information will be limited to two (2) minutes.
- e) Time allocation and subject matter allowed is left to the sole discretion of the SWCD staff, without recourse.
- f) Soil & Water Conservation Department staff will not engage in back and forth discussion with persons.